

Message Text

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PAGE 01 GENEVA 05036 220918Z
ACTION IO-14

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-07 INR-07 LAB-04
NSAE-00 SIL-01 L-03 DHA-02 SS-15 INRE-00 NSC-05
NSCE-00 SSO-00 /059 W
-----039331 220944Z /23
O 220805Z JUN 77
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 8467

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PASS IO FOR ASSISTANT SECRETARY MAYNES AND DALLEY

LABOR FOR SECRETARY MARSHALL AND ILAB

SIL FOR BOWIE

E.O. 11652: N/A
TAGS: ILO, PLAB
SUBJECT: INTERNATIONAL LABOR CONFERENCE - RESOLUTION COMMITTEE
REPORTS

REF: GENEVA 4935

1. THE TWO RESOLUTION COMMITTEE REPORTS ARE SCHEDULED FOR CON-
SIDERATION BY PLENARY AFTERNOON JUNE 21. AS REPORTED REFTTEL,
USDEL WILL VOTE FOR BOTH RESOLUTIONS UNLESS INSTRUCTED OTHERWISE.
TEXT OF SECOND RESOLUTION FOLLOWS PARA 2 BELOW.

2. BEGIN TEXT:

RESOLUTION CONCERNING THE PROMOTION, PROTECTION AND STRENGTHENING
OF FREEDOM OF ASSOCIATION, TRADE UNION AND OTHER HUMAN RIGHTS

THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION,
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CONSIDERING THAT FULL EXERCISE OF TRADE UNION RIGHTS AND FREEDOM OF
ASSOCIATION ARE PRIORITY OBJECTIVES OF THE INTERNATIONAL LABOUR
ORGANISATION AND CONSTITUTE ESSENTIAL ELEMENTS OF HUMAN RIGHTS.

NOTING WITH CONCERN THAT MANY MEMBER STATES HAVE NOT YET RATIFIED
THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE

CONVENTION, 1948 (NO. 87), THE RIGHT TO ORGANISE AND COLLECTIVE
GARGAINING CONVENTION, 1949 (NO. 98), AND THE WORKERS' REPRESENTA-
TIVES CONVENTION, 1971 (NO. 135), WHICH LAY DOWN THE MINIMUM
STANDARDS OF FREEDOM OF ASSOCIATION.

BELIEVING THAT ONE OF THE FUNDAMENTAL BASES OF DEMOCRACY IN ALL
ITS FORMS IS THE EXISTENCE OF TRADE UNION FREEDOMS AS EXPRESSED
IN ILO STANDARDS AND THAT THE RIGHTS ACCORDED TO TRADE UNIONS SHOULD
REFLECT THESE FREEDOMS.

WELCOMING THE ADOPTION BY THE INTERNATIONAL LABOUR CONFERENCE
AT ITS 56TH (1971) SESSION OF THE RESOLUTION CO NCERNING THE
STRENGTHENING OF TRIPARTISM IN THE OVER-ALL ACTIVITIES OF THE ILO
AND AT ITS 61ST (1976) SESSION OF CONVENTION NO. 144
CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION
OF INTERNATIONAL LABOUR STANDARDS AND OF RECOMMENDATION NO. 152
CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTA-
TION OF INTERNATIONAL LABOUR STANDARDS AND NATIONAL ACTION RELATING
TO THE ACTIVITIES OF THE ILO.

CONVINCED THAT THE TRIPARTITE CONSULTATIONS ENVISAGED IN THE SAID
INSTRUMENTS WOULD BE MEANINGLESS UNLESS WITHIN MEMBER STATES
CONDITIONS EXIST WHICH ENSURE THAT EMPLOYER AND WORKER PARTICI-
PANTS ARE FREE TO ACT EFFECTIVELY IN ACCORDANCE WITH THE PROVISIONS
OF THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO
ORGANISE CONVENTION, 1948 (NO. 87).

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CONSIDERING THAT, IN THE CONTEXT OF NATIONAL ECONOMIC AND SOCIAL
DEVELOPMENT OF MEMBERS STATES, THE ILO, IN VIEW OF ITS TRIPARTITE
STRUCTURE, SHOULD BE ABLE TO PROMOTE CONDITIONS FO WORK AND LIFE
CAPABLE OF EXERCISING A DYNAMIC AND LASTING INFLUENCE IN ENSURING
SOCIAL PROGRESS,

NOTING THAT OVER THE YEARS THE CONSTITUTIONAL SUPERVISORY BODIES AND
OTHER REPORTING PROCEDURES, INCLUDING THE SPECIAL INVESTIGATIONS
AND INQUIRIES, CARRIED OUT IN A LIMITED NUMBER OF COUNTRIES SO FAR,
HAVE PROVED THEIR EFFECTIVENESS IN VARYING DEGREES OF SUCCESS,

CONSIDERING THAT OVER THE YEARS SPECIAL MACHINERY FOR EXAMINING
ALLEGATIONS OF VIOLATION OF HUMAN AND TRADE UNION RIGHTS AND
TOHER AD HOC METHODS TO STUDY SPECIFIC QUESTIONS HAVE BEEN EVOLVED
AND HAVE BEEN USEFUL IN PREPARING THE WAY FOR SATISFACTORY
SOLUTIONS, WHILE GUARANTEEING IMPARTIAL TREATMENT TO THE
COUNTRIES INVOLVED.

CONSIDERING THE SYSTEMAITC VIOLATION IN CERTAIN COUNTRIES OF THE
BASIC PRINCIPLES RELATING TO UNIVERSALLY RECOGNISED HUMAN RIGHTS AND,
IN PARTICULAR, FREEDOM OF ASSOCIATION, AND TRADE UNION AND OTHER

HUMAN RIGHTS:

1. INVITES THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE
TO REQUEST THE DIRECTOR-GENERAL:

(A) STRONGLY TO URGE MEMBER STATES TO RATIFY AND APPLY THE FREEDOM
OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION,
1948, (NO. 87), THE RIGHT TO ORGANISE AND COLLECTIVE BARGAINING
CONVENTION, 1949 (NO. 98), AND THE WORKERS' REPRESENTATIVES
CONVENTION, 1971 (NO. 135), AND PENDING RATIFICATION, TO ENSURE
STRICT OBSERVANCE OF THE BASIC PRINCIPLES IN THESE CONVENTIONS:

(B) TO URGE THE GOVERNMENTS OF MEMBER STATES:

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(I) TO RAIFY, AS SOON AS POSSIBLE, CONVENTION NO. 144 CONCERNING
TRIPARTITE CONSULTATIONS TO RPOMOTE THE IMPLEMENTATION OF INTER-
NATIONAL LABOUR STANDARDS AND TO GIVE FULL EFFECT THERETO AS WELL
AS TO RECOMMENDATION NO. 152 CONCERNING TRIPARTITE CONSULTATIONS TO
PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS
AND NATIONAL ACTION RELATING TO THE ACTIVITIES OF THE ILO--BOTH
OF WHICH INSTRUMENTS WERE ADOPTED BY THE INTERNATIONAL LABOUR
CONFERENCE AT ITS 61ST (1976) SESSION-- AND TO THE RESOLUTION CON-
CERNING THE STRENGTHENING OF TRIPARTISM IN THE OVER-ALL ACTIVITIES
OF THE ILO, ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE AT ITS
56TH (1971) SESSION;

(II) TO UNDERTAKEN TO CO-OPERATE ACTIVELY TO ENSURE SOUND OPERATION
OF THE SYSTEM FOR UPERVISING THE APPLICATION OF INTERNATIONAL
LABOUR STANDARDS, PARTICULARLY IN THE FIELD OF HUMAN RIGHTS SUCH
AS FREEDOM OF ASSOCIATION AND TRADE UNION FREEDOMS, INCLUDING
IN THE RURAL SECTOR, THE ELIMINATION OF DISCRIMINATION IN EMPLOY-
MENT, REMUNERATION AND OCCUPATION AND THE ABOLITION OF FORCED
LABOUR, IT BEING UNDERSTOOD THAT SUCH SYSTEMS OF CONTROL WILL
BE IMPLEMENTED WITH STRICT IMPARTIALITY AND WITH FULL REGARD FOR
DUE PROCESS AND THE RIGHTS OF MEMBERS INVOLVED IN INQUIRIES CON-
CERNED WITH THE APPLICATION OF THOSE STANDARDS;

(C) TO IMPROVE THE OPERATION OF EXISTING MACHINERY AND PROCEDURES
FOR ESTABLISHING FACTS RELATING TO THE APPLICATION OF STANDARDS,
IN ORDER TO ENSURE THEIR FULL EFFECTIVENESS, PARTICULARLY BY
SPEEDING UP THE CONSIDERATION OF COMPLAINTS AND REPRESENTATIONS
RELATING THERETO;

(D) TO PROVIDE THAT SUCH MACHINERY AND PROCEDURES GUARANTEE,
WITHOUT REPRISALS TO INTERESTED PARTIES AT THE LEVEL AMONG OTHERS
OF MEMBER STATES, FULL OPPORTUNITIES TO PRESENT SUCH INFORMATION
AND COMMENTS AS MAY BE NECESSARY TO REACH OBJECTIVE AND IMPARTIAL
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CONCLUSIONS.

2. FURTHER REQUESTS THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE:

(A) TO REMIND MEMBERS STATES THAT FREEDOM OF ASSOCIATION AND NON-DISCRIMINATION ARE BASIC PRINCIPLES OF THE ILO'S CONSTITUTION AND THEIR FURTHERANCE CONSTITUTES A CONSTITUTIONAL OBLIGATION FOR ALL MEMBERS STATES;

(?B) TO STUDY WAYS OF ESTABLISHING OR STRENGTHENING PROCEDURES FOR SUPERVISION OF THIS CONSTITUTIONAL OBLIGATION;

(C) TO CONSIDER WHETHER IMPROVEMENTS MIGHT BE MADE IN THE FUNCTIONING OF THE CREDENTIALS PROCEDURE WITH A VIEW TO INCREASING ITS EFFECTIVENESS.

3. FURTHER REQUESTS THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE:

(A) TO INSTRUCT THE DIRECTOR-GENERAL TO UNDERTAKE DIRECT CONTACTS, WHEREVER POSSIBLE ON A TRIPARTITE BASIS, WHENEVER THIS PROMISES TO BE USEFUL;

(B) TO IMPROVE THE APPLICATION OF THE EXISTING PROCEDURES SO AS TO ENSURE SPEEDY AND EFFECTIVE ACTION IN CASES IN WHICH FREEDOM OF ASSOCIATION IS IMPAIRED, PARTICULARLY WHEN HUMAN LIFE IS IN JEOPARDY;

(C) TO INVITE THE MEMBER STATES OF THE ILO AND THE EMPLOYERS' AND WORKERS' ORGANISATIONS TO ENCOURAGE AND PROMOTE--IN ALL INSTANCES WHERE THEY POSSESS THE RIGHT TO INTERVENE--FULLEST CO-OPERATION WITH THE ESTABLISHED ILO COMPLAINTS AND SUPERVISORY MACHINERY SO AS TO ENSURE RESPECT FOR TRADE UNION RIGHTS AND FREEDOM OF ASSOCIATION. END TEXT. SORENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR, COMMITTEES, RESOLUTIONS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 22-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA05036
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770222-0875
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770629/aaaaayxo.tel
Line Count: 209
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 45666078-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 GENEVA 4935
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2062498
Secure: OPEN
Status: NATIVE
Subject: INTERNATIONAL LABOR CONFERENCE - RESOLUTION COMMITTEE REPORTS
TAGS: ELAB, ILO
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/45666078-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009